

REMARKS

Reconsideration of the application is respectfully requested for the following reasons:

1. Amendments to Claims and Specification

The claims and specification have been amended to overcome the rejection under 35 USC §112, 2nd Paragraph, by deleting the term “color matrix,” which resulted from a literal translation of the Chinese word for chrominance array.

It is respectfully submitted that substitution of “*protecting two of said chrominance arrays of said digital video work by a first password*” for the original recitation of “*adding a password to each of two color matrixes of said digital work*” overcomes the rejection under 35 USC §112, 2nd Paragraph without adding “new matter.” It is well-known that the pixels of a color video frame have associated therewith gray-scale (or luminance) and chrominance values and that the chrominance values may be arranged in arrays corresponding to, for example, red and blue chroma values, together with correction factors, and that what is left over if the chrominance values are eliminated or inaccessible are the luminance or gray-scale values.

The invention essentially locks or password protects the chrominance arrays so that the colors of the digital work will only be displayed if a correct password is input by a user to a specified video player. The digital work can still be played on other players, but only with a “gray-scale” effect, *i.e.*, in black and white. This allows the work to be advertised while still protecting the copyright by requiring the viewer to buy a password in order to view the digital work in color.

Because the changes to the claims and specification merely correct a literal translation by substituting proper terminology and correcting other formal errors, it is respectfully submitted that the amendments do not involve “new matter.”

Finally, it is respectfully noted that the Examiner's understanding of the invention, set forth in the third complete paragraph on page 3, is basically correct in that the invention does involve, as noted by the Examiner, *"adding a password to the digital video work such that prior to a successful rendering of the digital work, rendering software asks the user for a password to access the digital video."* The only necessary modification to this paraphrase of the invention is that the words *"in color"* should be added after digital work, so that the summary reads: *"adding a password to the digital video work such that prior to a successful rendering of the digital work **in color**, rendering software asks the user for a password to access the digital video."* The work can still be rendered even if a password is not entered (for example, because the work is being played on a non-specified video player), but in that case the work can only be viewed in black and white.

2. Rejection of Claims 1-3 Under 35 USC §103(a) in view of U.S. Patent No. 6,668,246 (Yeung)

This rejection is respectfully traversed on the grounds that the Yeung patent fails to disclose or suggest:

- password protection of chrominance arrays of a digital work;
- display of the digital work in color if a password is correct; and
- display of the digital work in gray-scale rather than color if the password is incorrect (e.g., if a player other than a specified player is used),

as recited in claim 1, or the digital watermark feature of claim 2 (in which a correct password not only allows color display but also eliminates the watermark figure/text). Instead, Yeung merely teaches partial display of a scrambled image if input user information is incorrect, and complete descrambling if the information is correct. There is no mention of color or chrominance, much less of password protecting chrominance arrays in order to display in color if the password is correct and a specified player is used, and in grayscale if the specified player is not used.

According to the Examiner, adding a password to each of two color matrixes is disclosed in col. 7, lines 7-22 and col. 8, lines 1-20 of the Yeung patent. In reply, the Applicant

respectfully submits that Yeung does not disclose any sort of distinction between color and grayscale display, much less password protection of the chrominance array, and that the cited passages merely disclose playback of partially descrambled video data, irrespective of color or chrominance information, if the password is incorrect. Displaying a degraded image rather than a non-degraded black and white or grayscale image has the substantial disadvantage that Yeung's degraded image is unlikely to be very useful for promotional purposes unless the viewer has already purchased a password.

Instead of protecting the digital work by eliminating color from the display if the work is not played back on a specified player with a proper password, Yeung degrades the image as a whole. There is absolutely no suggestion, in the cited passages or elsewhere in the Yeung patent, of eliminating color or of displaying the image in gray-scale, and no reason to do so since degrading the image as a whole completely achieves Yeung's purpose of preventing viewing of the image unless user data is correct. Nowhere does Yeung even mention color or chrominance, and Yeung does not consider the possibility of providing a clean or viewable image, *albeit* in black and white, for promotional purposes to viewers who have not purchased a password for a specified player.

According to the invention, if the work is played back on a different player than the one for which playback rights are purchased, the work can still be viewed. The quality of the work is not degraded in any way, except that it is not in color. This allows a viewer to preview the work in order to decide whether to purchase it, and the owner of the work to advertise the work to a general audience. Such previewing/advertising would be far less effective if the work had to be viewed in partially scrambled form, as taught by Yeung, rather than simply in gray-scale. Accordingly, the claimed invention includes advantageous features that are not even remotely suggested by the Yeung patent, and therefore withdrawal of the rejection of claims 1-3 under 35 USC §103(a) is respectfully requested.

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Having thus overcome each of the rejections made in the Official Action, withdrawal of the rejections and expedited passage of the application to issue is requested.

Respectfully submitted,

BACON & THOMAS, PLLC

A handwritten signature in black ink, appearing to be 'B. Urcia', with a long horizontal flourish extending to the right.

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Date: May 23, 2007

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